

Hubbard, Hubert, Lewis of M., Lynch, Manly, Morris, McKnight, Norton, Owens, Redgate, Redwine, Robinson, Ross, Stewart, Taylor, Wælder, Walworth, Whitmore, and Wrede—36

NAYS—Messrs. Speaker, Armstrong, Benevides, Branch, Camp, Craig, Crooks, Culberson, Davis of B., Dennis, Epperson, Flewellen, Franklin, Hancock, Hall, Harrison of C., Henry, Houghton, Lewis of R., Mabry, Maverick, Middleton, Mills, Mundine, Navarro, Nelson, Parker, Perry, Shannon, Shelton, Smith, Speights, Warfield, Waterhouse, and Wortham—36.

On motion of Mr. Nelson, bill was made special order of the day for 11 o'clock, A. M., to-morrow.

On motion of Mr. Nelson, the bill to require the Comptroller and Treasurer to receive Treasury warrants in payment for certain land dues, taken up, read first time.

On motion of Mr. Nelson, the rule suspended, and bill read second time.

Mr. Nelson proposed to amend by adding two additional sections. Adopted.

Mr. Darnell, proposed to amend, by adding :

"And said warrants shall also be receivable for all government dues." Withdrawn, and bill passed to third reading.

On motion of Mr. Nelson, the rule further suspended, bill read third time and passed.

A message was received from the Governor, with the request, that when it was read it would be transmitted to the Senate.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the bill to amend the act to organize the Justices' Courts, and to define the powers and jurisdiction of the same, approved, March 20, 1848.

On motion, the House adjourned till 9 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
Tuesday, February 5, 1861. }

House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read and adopted.

Mr. Foscue, chairman of committee on Internal Improvements, reported, that the committee recommended the passage of the bill for the relief of Railroads in Texas, with amendments by the committee; Messrs. Foscue and Ross dissenting. Amendments by the committee:

In section one, after "extent," insert "after its completion," and at the end of first section, add "Provided, that this act shall not be so construed as to include any charter granted where the company has not been organized, and the line of the road designated in whole or in part, and the road in process of construction, or in whole or in part under contract for construction."

[Mr. Taylor, of Fannin, in the chair.]

Mr. Stewart, chairman of committee on Finance, reported, recommending that the bill amending the laws to raise a revenue by taxation, and the bill to amend the laws for the assessment and collection of taxes, be laid on the table. Also, reported recommending the passage of the Senate's bill making an appropriation to pay for supplies furnished the troops now on the frontier, with amendments by the committee. Amendments strike out "common market", and insert "par."

Mr. Wortham, one of the committee on Printing, reported a bill making appropriation to pay John Marshall for certain services, and recommended its passage. Kill read first time.

Mr. Short, one of the committee on Judiciary, reported, recommending the passage of the bill supplementary to the act providing for the appointment of pilots, passed April 7, 1846. Also, reported a substitute for the bill to authorize the county court of Nacogdoches county to regulate the pay of sheriffs therein in certain cases and recommend its passage.

Mr. Perry offered the following resolution:

Resolved, That the sum of two dollars per day, in addition to that now allowed, be voted to Joseph Mangum out of the contingent fund. Adopted by the following vote, Mr. Fosene calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Benevides, Billingsly, Bogart, Branch, Caddell, Camp, Culberson, Cumby, Darnell, Davis of H., Dickson, Ellett, Flewellen, Franklin, Houghton, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Middleton, Mills, Munson, Navarro, Parker, Perry, Pirkey, Redgate, Redwine, Robinson, Shannon, Shelton, Short, Smith, Speights, Stewart, Walworth, Warfield, Waterhouse and Whitfield—46.

NAYS—Messrs. Bryan, Buckley, Craig, Crawford, Crooks, Dale, Davis of B., Duncan, Edwards, Epperson, Foscue, Hall, Harrison of V. Z., Henry, Hubbard, Morris, Nelson, Ross, Taylor, Whitmore and Wrede—21.

Message received from Senate, informing the House that the Senate had passed the following bills, originating in that body, to wit:

Bill for relief of Texas and New Orleans Railroad Company.

Bill to change the name of county seat of Hidalgo county.

Bill for relief of Southern Pacific Railroad Company.

Bill to reorganize Eighth and Twentieth Judicial Districts, and define times of holding the courts therein, and

A joint resolution suspending the Geological survey.

Also, had amended and passed House bill, to provide for the protection of the Frontier of the State of Texas.

Mr. Stewart, one of the committee on Judiciary, reported as follows:

The committee on Judiciary, to whom was referred the bill relating to the spring terms of the several District Courts during the year 1861, have had no action on the bill, but the undersigned, one of the committee, begs leave to report the bill back to the House, and recommend its passage.

W. H. Stewart, one of committee, also as chairman of committee on Finance, reported a substitute for the bill to reduce the price of Public Lands, and recommended its passage.

Mr. Taylor, of Cass, offered the following resolution:

Resolved, That it is the sense of this House, that before this Legislature adjourns they should so raise the taxes as to meet the current expenses of the State Government.

Mr. Foscue moved to lay the resolution on the table. Carried by the following vote; Mr. Taylor, of Cass, calling for the yeas and nays:

YEAS—Messrs. Anderson, Baxter, Billingsly, Bryan, Buckley, Caddell, Craig, Crawford, Cumby, Darnell, Dennis, Dickson, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Morris, Mills, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Shelton, Short, Smith, Speights, Stewart, Warfield, Waterhouse, Whitfield and Wortham—45.

NAYS—Messrs. Speaker, Armstrong, Benevides, Branch, Canp, Crooks, Dale, Davis of B., Davis of H., Dougherty, Duncan, Epperson, Hancock, Hall, Haynes, Henry, Lewis of R., Mabry, Manly, McKnight, Middleton, Mundine, Navarro, Norton, Redgate, Shannon, Taylor, Wælder, Walworth, Whitmore and Wrede—31.

Mr. Mabry, one of the Judiciary committee, by permission, reported as follows:

The Judiciary committee, to whom was referred sundry bills relative to stay laws, have had the same under consideration, and beg leave to offer the following as a substitute therefor.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to prescribe the order in which cases shall be determined in the Supreme Court. Also, The bill to prohibit the emancipation of slaves.

ORDERS OF THE DAY.

The resolution relative to the adjournment of the Legislature was taken up.

Mr. Baxter moved to strike out "first of April," and insert "second of March."

On motion of Mr. Nelson, the House bill for protection of Frontier, with amendments by the Senate, was taken up. The amendment to insert "Frio" after "Bandera", was concurred in, and the amendment to "strike out last seven lines of section nine", was concurred in.

Mr. Davis, of Bastrop, offered the following as a substitute for the adjournment resolution:

Resolved by the House, the Senate concurring, that the extra session of the Eighth Legislature adjourn, *sine die*, on Friday, the eighth of February, 1861, at ten o'clock, A. M.

On motion of Mr. Baxter, the substitute was laid on the table, by the following vote; Mr. Davis, of Bastrop, calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Armstrong, Baxter, Benavides, Clark, Culbertson, Cumby, Dale, Darnell, Dennis, Dickson, Duncan, Flewellen, Franklin, Hall, Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Manly, Morris, Mills, Munson, Navarro, Nelson, Owens, Parker, Perry, Pirkey, Robinson, Ross, Shannon, Short, Smith, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—56.

NAYS—Messrs. Branch, Camp, Davis of B., Davis of H., Dougherty, Edwards, Epperson, Francis, Foscue, Haynes, Henry, Mabry, McKnight, Middleton, Mundine, Redgate, Redwine, Shelton, Taylor and Whitmore—20.

The question recurring on the motion to strike out "first of April", and insert "second of March,"

On motion of Mr. Stewart, the motion was laid on the table.

Mr. Stewart moved the previous question. Lost.

Mr. Shannon moved to postpone the question until eleven o'clock, Friday morning.

Mr. Francis moved to lay the motion on the table. Carried.

Mr. Davis, of H., offered the following resolution:

Resolved by the House, the Senate concurring, that the Legislature adjourn, *sine die*, on Monday, the eleventh day of February, at ten o'clock, A. M. Lost.

Mr. Wælder offered the following substitute:

Resolved that, the Senate concurring, this session will adjourn on Monday next, at twelve o'clock, to meet again on the eighteenth of March.

On motion of Mr. Nelson, laid on the table.

Mr. Baxter moved to postpone further consideration of the subject till to-morrow at twelve o'clock.

On motion of Mr. Buckley, the motion to postpone was laid on the table.

Mr. Davis, of Hays, moved to adjourn till three o'clock. Lost.

On motion of Mr. Dickson, the main question was ordered, and the House refused to adopt the resolution, by the following vote:

YEAS—Messrs. Anderson, Armstrong, Buckley, Crawford, Dale, Darnell, Davis of H., Dennis, Dickson, Edwards, Flewellen, Francis Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of R., Lynch, Munson, Nelson, Parker, Perry, Pirkey, Redwine, Robinson, Ross, Short, Speights, Stewart, Walworth, Warfield and Whitfield—34.

NAYS—Messrs. Speaker, Baxter, Benevides, Billingsly, Bryan, Caddell, Camp, Craig, Crooks, Clark, Culberson, Cumby, Davis of B., Dougherty, Duncan, Epperson, Franklin, Hancock, Hall, Haynes, Henry, Hubert, Lewis of M., Mabry, Manly, Maverick, Morris, McKnight, Middleton, Mills, Mundine, Navarro, Owens, Redgate, Shannon, Shelton, Smith, Taylor, Wælder, Waterhouse, Whitmore Wortham and Wrede—43.

On motion, the House adjourned till three o'clock, P. M.

3 o'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Dickson offered the following resolution:

Resolved, the Senate concurring, that the two Houses of the Legislature will adjourn on Friday next, at ten o'clock, A. M., until the first of April ensuing. Laid over one day for consideration.

Mr. Mills offered the following resolution:

Resolved, That the committee on Military Affairs be requested to inquire into and report to this House, how many and what kind of arms there are now in the possession of the federal authorities in Texas; and also to inquire into the propriety of purchasing arms and munitions for the defence of the State, and if necessary report a bill for that purpose. Adopted.

On motion of Mr. Clark report from the Judiciary committee, recommending a substitute for the bill to authorize the county court of Nacogdoches county to regulate the pay of sheriffs in certain cases, was taken up and substitute adopted.

Mr. Foscue offered the following amendment.

"Provided, that the county of Cherokee be excepted out of the operations of this act."

Mr. Nelson moved to reject the bill, substitute and amendment. Lost.

Mr. Clark moved to reconsider the vote adopting the substitute. Carried.

Gentlemen representing the several counties proposed to insert them in the bill, to wit:

Upshur, Nacogdoches, Navarro, Jackson, Calhoun, El Paso, Jasper, Newton, Atascosa, Austin, Fort Bend, Madison, Hays, Blanco, San Augustine, Sabine, Grimes, Limestone, Orange, Hardin, Walker, Jefferson and Leon. Adopted by the following vote:

YEAS—Messrs. Speaker, Armstrong, Baxter, Branch, Buckley, Camp, Crawford, Crooks, Clark, Culberson, Davis of B., Davis of H., Dickson, Duncan, Edwards, Foscue, Hall, Henry, Hubbard, Hubert, Lewter, Morris, McKnight, Middleton, Mills, Norton, Owens, Parker, Perry, Pirkey, Shannon, Short, Smith, Speights, Welder, Waterhouse, Whitfield and Wortham—39.

NAYS—Messrs. Anderson, Billingsly, Bryan, Caddell, Craig, Dale, Darnell, Dennis, Epperson, Flewellen, Francis, Franklin, Hancock, Harrison of C., Harrison of V. Z., Houghton, Lynch, Manly, Mundine, Nelson, Redgate, Redwine, Robinson, Ross, Shelton, Stewart, Walworth, Whitmore and Wrede—29.

Mr. Perry moved to strike out "\$300", and insert "\$200." Carried.

Mr. Franklin moved to strike out "\$200", and insert "\$100."

On motion of Mr. Buckley, the motion was laid on the table, and the bill ordered to be engrossed by the following vote; Mr. Franklin calling for the yeas and nays:

YEAS—Messrs. Speaker, Armstrong, Baxter, Branch, Buckley, Camp, Crawford, Clark, Davis of B., Davis of H., Dickson, Duncan, Edwards, Epperson, Hall, Hubbard, Hubert, Lewis of R., Lewter, Lynch, Mabry, Manly, Morris, McKnight, Middleton, Mills, Norton, Parker, Perry, Shannon, Short, Smith, Speights, Waterhouse, Whitfield and Wortham—37.

NAYS—Messrs. Anderson, Billingsly, Caddell, Craig, Culberson, Dale, Darnell, Flewellen, Francis, Franklin, Foscue, Hancock, Harrison of C., Harrison of V. Z., Hartley, Henry, Houghton, Mundine, Nelson, Redgate, Redwine, Robinson,

Ross, Shelton, Stewart, Wælder, Walworth, Whitmore and Wrede—37.

Mr. Buckley moved to suspend the rule to place the bill on second reading.

A message was received from the Senate, informing the House that the Senate refused to concur in the House amendment to Senate's bill to require Comptroller and Treasurer to receive Treasury Warrants in payment for certain land dues;

Had passed House bill to amend tenth section of act supplementary of an act to regulate Railroad Companies, approved February 7, 1853; approved December 19, 1857; approved February 8, 1860.

Also, had passed Senate's bills, to reorganize the Seventeenth Judicial District, and define times of holding District Courts therein, and

Bill to amend eighth section of act to incorporate Eastern Texas Railroad Company, passed by the Eighth Legislature of the State of Texas.

Mr. Shannon, one of the committee on Public Lands, reported recommending passage of bill to amend act to authorize commissioner of the General Land Office to issue patents upon surveys heretofore made, not in form required by law, approved January 17, 1860.

Mr. Davis, of Bastrop, one of committee on Enrolled Bills, reported as follows:

HON. M. D. K. TAYLOR,

Speaker of the House, etc.:

The joint committee on Enrolled Bills have examined the following bills, to wit:

An act amending the Estray Law.

An act to be entitled on act to provide for the Protection of the Frontier of the State of Texas.

An act to be entitled an act for the relief of the Houston and Texas Central Railway Company.

An act to be entitled an act providing what shall be sufficient *prima facie* evidence in certain cases, in suits brought by the State of Texas.

A joint resolution with regard to the contract for Roofing the Capitol.

An act to be entitled an act to provide for running the county lines between the counties of Marion, Cass and Titus.

An act to be entitled an act to provide for submitting the Ordinance of Secession to a vote of the people.

And find the same correctly enrolled, properly signed, and

have this day presented the same to the Governor for his signature and approval.

[Signed]

B. H. DAVIS,

One of committee.

The majority and minority report, from the committee on Internal Improvements, on the bill for the relief of the Memphis and El Paso Railroad Company, taken up.

Mr. Harrison, of Van Zandt, offered the following amendment:

"Provided, that the provisions of this act shall apply and inure to the benefit of all the railroads in this State, for the distance of forty-five miles, now organized, and having an existing, *bona fide* contract for the construction of not less than ten miles of its road. Adopted, and the bill ordered to be engrossed.

Mr. Flewellen introduced a bill to grant an extension of time for the completion of the Washington County Railroad. Read first time.

On motion of Mr. Flewellen, the bill read second time and ordered to be engrossed.

On motion of Mr. Flewellen, the rule further suspended, bill read third time, and passed by a two-thirds vote.

Mr. Clark, one of the committee on Engrossed Bills, reported correctly engrossed—

The bill to amend the third section of an act entitled an act to regulate the Descent and Distribution of Intestate Estates, approved March 14, 1848, and

The bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer to the county of Clay, so as to form one land district.

The following message from the Governor was taken from the Speaker's stand, and read:

EXECUTIVE DEPARTMENT, }
AUSTIN, Texas, February 4, 1861. }

HON. M. D. K. TAYLOR,

Speaker of the House of Representatives—

SIR: Enclosed I have the honor to transmit to your honorable body the accompanying resolutions, passed by the Legislatures of Virginia, Ohio, and Tennessee, which I commend to your consideration.

SAM HOUSTON.

Ordered to be transmitted to the Senate.

Senate's bill, to incorporate the La Vaca Wharf Company, was taken up, and read first time.

On motion of Mr. Taylor, of Cass, the rule was suspended, and bill read second time.

On motion of Mr. Duncan, rule further suspended, bill read third time, and passed by a two-thirds vote.

On motion of Mr. Smith, the bill for the relief of the Texas and New Orleans Railroad was taken up and read first time.

On motion of Mr. Nelson, rule suspended, bill read second time, and passed to a third reading.

On motion of Mr. Smith, rule further suspended, bill read third time, and passed by a two-third vote.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed—

Bill for relief of Washington County Railroad Company.

Mr. Mills offered the following resolution:

Resolved, That the use of this hall is hereby tendered to the Convention, which is to reassemble in this city on the second day of March, 1861. Adopted.

Mr. Hartley offered the following resolution:

Resolved, That a committee of Ways and Means, of three members, be appointed to confer with a like committee of the Senate, whose duty it shall be to devise ways and means to meet the present obligations of the State, and such other expenditures as may be rendered necessary by the present exigencies of the State.

On motion of Mr. Hubbard, Mr. Hartley was added to the committee on Finance.

On motion of Mr. Henderson, referred to committee on Finance.

Mr. Wælder moved to take up Senate's bills on Speaker's table. Lost.

On motion, the House adjourned till ten o'clock, A. M., tomorrow.

HOUSE OF REPRESENTATIVES, }
Wednesday, February 6, 1861. }

The House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read, and adopted.

Mr. Armstrong, one of the committee on Public Lands, reported, recommending the passage of the bill providing for the return of fieldnotes of Surveys that have become forfeited.

Mr. Hancock, chairman of committee on Public Buildings, reported as follows: